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THE DISTRICT OF COLUMBIA TAXICAB COMMISSION

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MINUTES

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SPECIAL COMMISSION MEETING

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2041 Martin Luther King Jr. Avenue, SE, Washington, DC.

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WEDNESDAY, DECEMBER 12, 2007

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PRESENT:

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Leon J. Swain, Jr.,

Chairman

20

Sandra C. Allen,

Commissioner

21

A. Cornelius Baker,

Commissioner

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William Henry Carter IV,

Commissioner

23

Stanley W. Tapscott,

Commissioner

24

Theresa N. Travis,

Commissioner

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Doreen E. Thompson, Esq.,

General Counsel

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MINUTES

A. CALL TO ORDER & DETERMINATION OF QUORUM

Leon J. Swain, Chairperson, called the meeting to order at 10:17 am.
Doreen E. Thompson, Esq., General Counsel, determined that there was a quorum allowing the Commission to take action on items requiring a vote.

B. COMMUNICATION FROM THE CHAIRPERSON

1. Metropolitan Police Department

Chairperson Swain indicated that he has met with Pat Burke, Assistant Chief, Metropolitan Police Department (MPD), and will be meeting with him periodically to discuss security and enforcement issues and MPD's willingness to assist the Commission. **ACTION ITEM**: He indicated that he will be briefing the Commissioners at the next working session on the outcome of this meeting before discussing it with the public.

2. Minutes

The decision was made to pass on the June Minutes because it appears the June Transcript and not the Minutes were sent to the Commissioners. There was a subsequent discussion about the status of past Minutes and **Doreen Thompson, General Counsel** stated that since the meter rulemaking and a number of other priorities are now behind us the intention is to catch up on the Minutes by the January 2008 meeting.

3. Purpose of the Special Meeting and Mayoral Authority to Issue Order to Chairperson to Implement Meters

Commissioner Baker questioned the purpose of the special meeting and that it was his recollection that at the November meeting it was determined that the Commissioners would vote on the proposed rules at the special meeting. In response, **Chairperson Swain** indicated that the reason for the special meeting is because several members indicated that they wanted to provide or to give the public an opportunity to provide comments within the proposed rulemaking 60-day comment period and that they had not received a copy of the proposed rulemaking or had not had the time to review the proposed rulemaking. **Chairperson Swain** also pointed out that the Mayor issued a Mayor's order that essentially transferred the authority as to this decision making to the Chairperson and that the Commissioners are not involved in voting on the proposed rulemaking.

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2 **Commissioner Tapscott** questioned whether the Mayor has this authority
3 and **Chairperson Swain** indicated that the authority was given to the
4 Mayor through the omnibus budget bill, which gave the Mayor complete
5 authority to go ahead and institute meters. The Mayor had the option of
6 either opting out or instituting meters. The Mayor has chosen to not to opt
7 out and has given the authority to implement his decision on time and
8 distance meters to the Chairperson.

9
10 After requesting a copy of the Congressional legislation and the Mayor's
11 Order, **Commissioner Allen** read the legislation as follows: --- "in general,
12 except as provided in subsection B and not later than one year after the date
13 of enactment of this Act, the District of Columbia shall require all taxicabs
14 licensed in the District of Columbia to charge fares by a metered system. B,
15 District of Columbia opts out. The Mayor of the District of Columbia may
16 exempt the District of Columbia from the requirement under section A by
17 issuing an executive order that specifically states that the District opts out of
18 the requirement to implement a metered fare system"---and concluded that
19 this says nothing about the Mayor transferring authority.

20
21 In response, **Chairperson Swain** stated that the Mayor and his legal
22 advisors feel that Congress gave him the authority to implement meters, if
23 that was what he chose to do. **Commissioner Allen** stated that normally
24 what happens, when the chair is delegated authority through a total body,
25 such as the Taxicab Commission, everybody in the Commission has some
26 input, and then after talking to the total body, the chairman makes a
27 decision. **Chairperson Swain** responded that he has asked for comments
28 from the Commissioners and will take these comments into consideration
29 when deliberating on the final decision. He reiterated that the
30 Commissioners should send him their comments, whether written or
31 telephonic, so he can take them into consideration. **Commissioner**
32 **Tapscott** indicated that he would think the Mayor intended for the
33 chairperson to seek the help of the Commissioners in making a decision.

34
35 **ACTION ITEM:** **Commissioner Allen** asked for a signed copy of the
36 Mayor's Order on a raised seal to indicate its authenticity and that it be
37 delivered by US mail. She also requested a copy of the Office of the
38 Attorney General's opinion as to whether or not the Mayor has the
39 authority.

40
41
42 C. **COMMENTS/QUESTIONS ON TIME & DISTANCE**
43 **METER PROPOSED RULEMAKING**

44
45 Public participants and Commissioners raised the following
46 concerns/questions:

- 47
48 1. How are you all going to implement these taxi meter

1 rulemaking so that it goes into effect by April the 6th?
2

3 2. Will there be loans to assist taxi drivers in paying for the
4 meters. If the government is mandating meters, then the
5 government should supply the funds to put this into effect?
6

7 3. Who are the licensed shops and which companies are going
8 to be installing these meters in the taxi vehicles?
9

10 4. Who is going to be responsible for the meters coming into
11 District of Columbia, and where do I have to go to get a
12 meter?
13

14 5. Who is going to fix these meters? What type of meter will
15 be required to be put in taxi cab vehicles in DC; what is the
16 turn-around for repairs; how many different places will
17 repair meters?
18

19 6. How much are these meters going to cost us? Who is going
20 to fix the meters; where do they come from?
21

22 7. Will I be able to buy it from another company as long as it
23 meets the spec?
24

25 8. From where will the financing come to assist these drivers
26 in purchasing this equipment?
27

28 9. The rulemaking states that if the vehicle is being operated
29 and the meter is broken, the driver will be presumed to
30 know that the meter is broken. How do you presume,
31 assume, that the driver will know?
32

33 10. What law gave the Mayor authority to implement meters
34 and to delegate that authority to the chairperson of the
35 Commission?
36

37 11. What happens after the 60-day period---will there be
38 changes to the rules and when will it be finalized?
39

40 12. With all the input and information the chairperson gets
41 during the proposed rulemaking comment period and with
42 the authority that has been given to the chairperson, if the
43 chairperson determines that meters are not right at this time,
44 does he have the power to go back to the Mayor and say,
45 you know, I have reviewed all the evidence; I just do not
46 think the meters are right at this time?
47

- 13 . With meters in DC cabs, you are going to have the problem of people jumping out and running away before paying the fares and the cab drivers are not going to get the fare;
- 14 .Meters in DC cabs will increase the problem of other cabbies hacking in the District. The City is going to be wide open;
- 15 . With meters you do not know what the fare will be until the end of the transaction; there are very few instances where you do business with no idea in advance how much it is going to cost;
- 16 .This city is not designed for meters because you do not know whether there are presidential motorcades running around in the morning or where construction going on. In addition there are too many one way streets;
- 17 .Many people who want meters say that the people who come from out of town get cheated. In places with meters, such as New York, there is still cheating. Not knowing the zone fare can be solved by signs at the windows and having dispatchers trained to tell the passengers what the fare should be;
- 18 .As to the complaint that zone rates are too high, prices have gone up because of the gas prices increases;
- 19 .The meter is not going to solve some problems as to fairness---there are other forms of transportation where the fare pricing is not fair, such as Metro and airline pricing;
- 20 .Neither Mayor Fenty nor his administration followed the letter of the law that clearly states that any decision that will deal with increasing or decreasing rates or proposing rules goes to the Commission's Panel on Rates and rules;
- 21 .The thousand dollar fine for operating with a non-functional meter is too high;
- 22 .There is a need for a vested license to give drivers some way to be able to go to the bank and secure a loan, to do whatever is necessary, whether it is putting meters in, putting hybrids on, or wheelchair accessible vehicles;
- 23 .There should not be a finite date based on the 60 day comment period, without the proposed rule having to be

before the full Council for some kind of vote, or some type of referendum;

24 . The implementation date is too short; there are too many things that we do not know as the owner-operators of these vehicles, and we are the ones having to bite the financial bullet; and

25 . The implementation time for meters is too soon and needs to be extended for at least for six months.

In response to a number of the questions above, **Chairperson Swain** responded that as to the number of companies, the names of the companies, and the models and the specifications as to meters, that information will be provided soon after the 60-day comment period on the proposed rulemaking. The purpose of the 60-day comment period is to listen to the concerns of the riding public and the drivers.

As to questions relating to the rulemaking process, **Doreen Thompson, General Counsel**, stated that as to the proposed rulemaking stage, the comments will be reviewed and evaluated and the decision makers will make certain decisions based on these comments. In the evaluation process, the decision maker is essentially providing a response to the comments. The decision maker's response is not required to be published in the DC Register but the comments must be taken into consideration. With a major rulemaking like this, the comments are being compiled and a summary or chart of these comments will likely be provided for public view.

The comments will be evaluated as to whether they are addressing technical errors or substantive changes. Technical errors which do not go to the substance of the rulemaking do not require that the rulemaking be re-published as proposed once again. If the comments reveal that something conflicts or does not make sense, the decision maker will have to make a decision as to whether to re-propose the rule making in whole or in part. If there are no substantial changes to the rulemaking it will become a final rulemaking by publishing the rulemaking as final in the DC Register.

D. PARKING BY RENTED TAXICABS IN RESTRICTED RESIDENTIAL ZONES

Commissioner Tapscott indicated that drivers of rented taxicab vehicles are running into a serious problem where the rented vehicles do not qualify for the residential zone sticker. **Commissioner Allen** added that for these vehicles to qualify would require the involvement of the Department of Motor Vehicles and the Council because the residential zone sticker program is in DC law. Accordingly, legislation would have to be written

1 that will allow for renting cab drivers to have a temporary zone pass.

2
3 **Chairperson Swain** added that there could be a number of logistics which
4 would need to be worked out, particularly since some driver's change
5 rented vehicles frequently. **Commissioner Travis** indicated that there may
6 be the possibility that the driver could be issued a temporary sticker from
7 the MPD precinct for a month. **Chairperson Swain** responded that it is
8 unclear whether this would cover a taxicab vehicle which might be
9 considered a commercial vehicle for the purpose of the residential zone
10 sticker. **ACTION ITEM:** **Commissioner Swain** will invite a DMV
11 representative to the next meeting of the Panel on Consumer and Industry
12 Concerns to discuss this issue further and seek DMV's assistance in
13 addressing this issue.

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15 **E. ADJOURNMENT**

16
17 **Commissioner Allen** moved and **Commissioner Travis** seconded that the
18 meeting be adjourned, whereupon the meeting was adjourned at 12:37pm.